

RESOLUTION NO. 25 97

RESOLUTION OF THE BOARD OF DIRECTORS OF MOON CREEK CIRCLE IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, ORDERING THE IMPROVEMENT DONE AS DESCRIBED IN RESOLUTION OF INTENTION NO. 45-96

WHEREAS, on August 12, 1996, the Board of Directors of Moon Creek Circle Improvement District of Navajo County, Arizona (the "District"), passed and adopted Resolution No. 45-96 (the "Resolution of Intention"), declaring its intention to improve Moon Creek Circle, Trout Creek Lane, Bear Paw Circle and Beaver Dam at the locations described in the definition of Work set forth in the Resolution of Intention and as shown on the Plans by the construction of the improvement of the Streets within the District by the paving and otherwise improving the Streets to Navajo County road standards, as set forth in the Plans and Specifications including the providing of all labor, materials and equipment therefor, all in accordance with the Plans and Specifications thereof, on file with the Clerk of the Board of Supervisors of Navajo County, ex officio clerk of the District; determining that improvement bonds shall be issued to represent the costs and expenses thereof, declaring the work or improvement to be of more than local or ordinary public benefit, and that the costs and expenses thereof shall be assessed upon a certain district, delineating said district providing that the proposed work or improvement shall be performed under the provisions of Section 48-901 through 48-965, inclusive, Arizona Revised Statutes, and all amendments thereto, the said work or improvement, the district to be assessed and the improvement bonds to be issued being more fully described in the Resolution of Intention to which reference is hereby made for such description; and

WHEREAS, a copy of the Resolution of Intention has been published two times in the White Mountain Independent, a semi-weekly newspaper of general circulation in Navajo County and in District; and

WHEREAS, the Superintendent of Streets of the District caused to be posted along the line of said proposed work or improvement on the streets, alleys and rights-of-way to be improved at not more than three hundred (300) feet apart, notices of the passage of the Resolution of Intention, said notices being headed "Notice of Proposed Improvement", such heading in letters at least one (1) inch in height; said notices stated the fact of the passage of the Resolution of Intention and briefly described the proposed improvement and the land to be acquired therefor; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of the Resolution of Intention, and since the completion of the posting of said notices of the proposed improvement; and

WHEREAS, no protests against the proposed work and no objections to the extent of the assessment district described in the Resolution of Intention were filed with the Clerk during the time prescribed by law; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MOON CREEK CIRCLE IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, as follows:

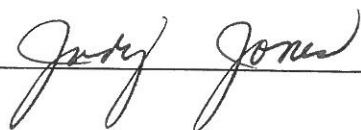
Section 1. By virtue of the authority vested in Section 48-901 through 48-965, inclusive, Arizona Revised Statutes, and all amendments thereto, the Board of Directors of Moon Creek Circle Improvement District of Navajo County, Arizona, hereby orders the Work done as described in the Resolution of Intention and in accordance with the Plans and Specifications heretofore approved and adopted by the Board of Directors.

Section 2. The Superintendent of Streets is authorized and directed to prepare and execute the attached notices of the passage of this resolution and the Notice Inviting Proposals for the construction of the work. Such Notice shall be posted and published as provided by law.

PASSED, ADOPTED AND APPROVED by the Board of Directors of Moon Creek Circle Improvement District of Navajo County, Arizona, on March 10, 1997.

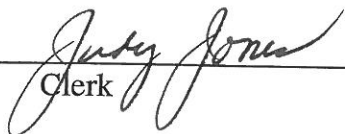

Chairman

ATTEST:


Clerk

CERTIFICATE

I hereby certify that the above and foregoing Resolution was duly passed by the Board of Directors of Moon Creek Circle Improvement District of Navajo County, Arizona, at a regular meeting held on March 10, 1997, and that a quorum was present thereat and that the vote thereon was 3 ayes and 0 nays; 2 were ~~no~~ vote or absent.


Clerk



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

P.O. Box 668 - S. Highway 77
Holbrook, Arizona 86025
(520) 524-4100 FAX (520) 524-4122

CHUCK WILLIAMS, P.E.
Director
County Engineer



March 13, 1997

Mr. Greg Tock, Editor
White Mountain Publishing
P.O. Box 1570
Show Low, AZ 85901

RE: Publication - Moon Creek Circle Improvement District

Dear Editor:

Enclosed please find a copy of the above referenced item which we would like published in your paper, the White Mountain Independent, two times only, namely on **March 25 and 28, 1997**.

Please remit Proof of Publication and Statement to this Department (Engineering Division, Navajo County Public Works Department, P.O. Box 668, Holbrook, AZ 86025).

Thank You.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chuck Williams".

Chuck Williams, P.E.,
Superintendent of Streets

Enclosure

ADVERTISEMENT FOR PROPOSALS

NOTICE

OF THE PASSAGE OF THE RESOLUTION ORDERING THE IMPROVEMENT AND INVITING SEALED PROPOSALS FOR THE IMPROVEMENT KNOWN AS MOON CREEK CIRCLE IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA.

This notice is given pursuant to the provisions of Sections 48-901 to 48-965, inclusive, Arizona Revised Statutes, and amendments and supplements thereto (the "Improvement District Laws").

On March 10, 1997, the Board of Directors of Moon Creek Circle Improvement District of Navajo County, Arizona (the "District"), duly passed and adopted its Resolution No. 25-97 ordering that the work described in Resolution of Intention No. 45-96 be done, said Resolution also directing this notice to be given.

THEREFORE, notice is hereby given that the Board of Directors of the District will receive proposals for furnishing of all labor, material, transportation, services and equipment for the improvement of certain streets within the District; each proposal to be made in accordance with the aforementioned Resolution of Intention on file in the office of the Clerk of said District; plans, specifications and other proposal documents and contract documents now on file with the Clerk and with the Superintendent of Streets, both offices being located at the Navajo County Governmental Center, South Highway 77, P.O. Box 668, Holbrook, Arizona 86025, and at the Navajo County Road Maintenance District #4, 1892 Pinelake Road, Pinetop, Arizona, where they may be examined. A set of such documents may be obtained from Navajo County Public Works Department (the "District Engineer"), upon a deposit of \$ 35.00. This deposit will not be refunded.

There has been a MANDATORY PRE-BID MEETING scheduled for 1:00 P.M., Wednesday, April 16, 1997 at the Pinetop Fire Department Conference Room, located at the Pinetop Fire Station #1, 1845 S. Pinelake Road, Pinetop, Arizona. Any questions or concerns about the bid will be addressed at that time.

Bidders must be eligible to do said work under and in accordance with, and must agree to conform to, the laws of the State of Arizona. The five percent (5 %) preference pursuant to Arizona Revised Statutes § 34-241 does not apply to this project.

Each proposal shall be sealed in an envelope addressed to the Clerk of the Board of Supervisors of Navajo County, ex officio Clerk of the Board of Directors of the District and bearing the following statement on the outside of the envelope: Proposal to Construct the work for Moon Creek Circle Improvement District of Navajo County, Arizona.

Each proposal shall be made out in the form set forth in the contract documents and all pages of said contract documents book must be submitted as part of the proposal and shall be accompanied by a bid bond acceptable to the District for not less than ten percent (10%) of the amount bid, made payable to Moon Creek Circle Improvement District of Navajo County, Arizona. The above-mentioned bond shall be given as a guarantee that the bidder will enter into the contract if awarded to said bidder, and will be declared forfeited if the successful bidder refuses to enter into said contract after being requested to do so by the District Clerk. All proposals shall be filed with the Clerk of the Board of Supervisors at the County Governmental Center on or before May 9, 1997 at 4:00 P.M. All proposals will be opened and the total amounts so bid read aloud in a public meeting of the Board of Directors of the District held on May 12, 1997 at 9:35 A.M.. All proposals will be tabulated by the District Engineer who shall report the findings to the Board of Directors of the District. It is expected that the Board of Directors will award the contract to the lowest and best responsible bidder on May 19, 1997 at 9:30 A.M., at the meeting which shall be held on such date.

The Board of Directors reserves the right to reject any or all proposals, or to reject the bids of any persons who have been delinquent or unfaithful to any contract with the District or Navajo County and to waive any informalities or irregularities in the proposals.

The Board of Directors has determined that improvement bonds will be issued to represent the construction cost and all of the incidental costs of such work and improvement, including engineering, printing, advertising and posting and preparation of proceedings; and notice is hereby given that such bonds shall be issued under the provisions of the

Improvement District Laws by the District, but payable only out of a special fund collected in ten (10) annual installments from the assessments of \$25.00 or over remaining unpaid thirty (30) days after the date of the warrant. The bonds payable out of the first installment collected shall be payable on the first day of January next after the collection of the first installment of the assessments can be made under the provisions of the Improvement District Laws, and on the first day of January of each year thereafter until all are paid. Said bonds shall bear interest at a rate of not to exceed 9% per annum. Interest will be payable on the first days of January and July of each year.

THE CONTRACTOR WILL BE PAID WITH CASH PAYMENTS ONCE EACH MONTH, SUCH PAYMENTS TO BE ON THE BASIS OF 90% OF THE VALUE OF THE WORK ACTUALLY PERFORMED AS ESTIMATED BY THE DISTRICT ENGINEER. THE RETAINAGE WILL BE PAID UPON THE RECORDING BY THE SUPERINTENDENT OF STREETS OF THE CERTIFICATE OF SUBSTANTIAL COMPLETION OF THE WORK. THE CONTRACTOR WILL NOT BE REQUIRED TO ADVANCE INCIDENTAL EXPENSES. THE CONTRACTOR WILL NOT BE RESPONSIBLE FOR MAKING CASH COLLECTIONS FROM PROPERTY OWNERS.

Without charge, the District will provide the winning bidder with the opinion of Gust Rosenfeld concerning the validity of the proceedings to and including the execution of the construction contract. The fees of Gust Rosenfeld will be paid as a part of the incidental expenses.

No bidder may withdraw his proposal for a period of 120 calendar days after the date set for the opening thereof.

The District reserves the right to cancel this notice at any time.

Further information concerning the District and the construction contract therefor, may be obtained by contacting Mr. Chuck Williams, Navajo County Engineer, Navajo County Governmental Center, South Highway 77, P.O. Box 668, Holbrook, Arizona, 86025, phone (520) 524-4100.

DATED: March 10, 1997


Superintendent of Streets

Publish in the White Mountain Independent
March 25 & 28, 1997

Post: at or near the door of the meeting place of the Board of Directors of the
District